

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES MENDES,
Plaintiff,

CIVIL ACTION
NO: 05-10912-DPW

VS.

UNITED STATES OF AMERICA,
Defendants.

STATUS REPORT

Now come the parties, in the above-entitled action, by and through their undersigned attorneys, and respectfully report to this Honorable Court the status of this matter.

The parties recently attended Mediation before Magistrate Judge Bowler. Despite their good faith efforts, the case could not be resolved at that time. Prior to the Mediation the parties did not conduct two (2) discovery depositions of witnesses in California and Florida and any expert depositions because they were optimistic that the case would settle. Through expert disclosures and reports, the defendant has designated three (3) experts and the plaintiff has designated two (2). Both parties have identified an economist to testify concerning the plaintiff's alleged lost pension benefits (\$480,000.00). The economists have been unable to fully evaluate this claim because the complete details of the

plaintiff's pension plan have yet to be disclosed by his union, American Maritime Officers, despite requests from both parties. Both parties are working to obtain the complete pension plan from American Maritime Officers.

Nevertheless, the parties respectfully request that they be given until March 30, 2007 to complete both discovery and expert depositions and that this Honorable Court schedule a Pre-Trial Conference for sometime in April 2007. The parties submit that this is a non-jury trial.

Respectfully submitted,

FOR THE PLAINTIFF

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Dated: January 9, 2007